

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Andreev et al.

Group Art Unit: 2152 / Conf. # 5834

Application No.: 10/777,799

Examiner: Najee-Ullah, Tariq S.

Filing Date: 02/12/2004

Docket No.: END920030006US1

Title: **SYSTEM AND METHOD FOR MESSAGING AND COLLABORATING IN AN INTRANET ENVIRONMENT**

Commissioner for Patents
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BRIEF OF APPELLANT

This Appeal Brief, pursuant to the Notice of Appeal filed May 12, 2009, is an appeal from the rejection of the Examiner in the Final Office Action dated March 13, 2009.

Because Appellant filed a prior Notice of Appeal on December 5, 2008 and Appeal Brief on December 8, 2008 for Serial Number 10/777,799, Appellant is not responsible for the total fee but rather is responsible for only any increase in fee for the present Appeal Brief.

REAL PARTY IN INTEREST

International Business Machines, Inc. is the real party in interest.

RELATED APPEALS AND INTERFERENCES

None.

STATUS OF CLAIMS

Claims 1 and 5 are rejected. Claims 2-4 and 6-12 are cancelled. This Brief is in support of an appeal from the rejection of claims 1 and 5.

STATUS OF AMENDMENTS

Appellants' claim amendment submitted on November 14, 2008 in response to the office action dated September 18, 2008 was not entered. Appellants have not submitted any claim amendment subsequent to the Final Office Action dated March 13, 2009.

SUMMARY OF CLAIMED SUBJECT MATTER

CLAIM 1 - INDEPENDENT

The present invention provides a method for operating a server (12 and 14, FIG. 1) for establishing a chat session between two users in a network system, including a first user (26, FIG. 1) (see specification, page 4, lines 2-6; page 10, lines 11-18). The first user desires to establish a chat session with a second user (22, FIG. 1) which does not have a chat application open (see specification, page 12, lines 2-4).

Said first user downloads, from said server, browser executable code for initiating a chat session. See specification, page 11, lines 1-3.

Said first user executes said browser executable code to display at a first browser window a chat invitation form (50, FIG. 3) including a header field (51, FIG. 3), an instruction field (52, FIG. 3), one or more fields (53-55, FIG. 3) for entering user identifiers, and a message field (56, FIG. 3). See step 43, FIG. 2; specification, page 11, lines 4-9.

Said first user entering to said chat invitation form one or more user identifiers including a user identifier for said second user, and optionally a message to said message field. See specification, page 11, lines 10-12.

A request to enter chat mode with a second user is received at said server from said first

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user. See FIG. 2 (right arrow from 43 to 10); specification, page 11, lines 9-10, 20-21.

An HTTP request to download content from said server or any other intranet or Intranet server is received asynchronously at said server from said second user. Said second user is not currently executing a chat applet instance and being unaware of said request from said first user to enter chat mode. See step 35, FIG. 2; specification, page 11, line 20 - page 12, line 4.

Said server responds to said HTTP request from said second user with an HTTP response including said content modified with a chat user interface to open a browser window (60, FIG. 4) including a header field (61, FIG. 4), a messages field (62, FIG. 4), and a response field (63, FIG. 4), which browser window downloads a chat applet instance for execution at said second user. See step 37, FIG. 2; specification, page 12, lines 12 - 20.

Said chat applet instance is executed at said second user to instantiate a chat session between said first user and said second user. See specification, page 12, line 20 - page 13, line 1.

A persistent connection is established between said second browser and said server to establish a channel for message exchange between said first and second browsers with said server acting as proxy. See step 38, FIG. 2; specification, page 13, lines 1-4; page 20, lines 10-13.

CLAIM 5 - DEPENDENT

Said first user is authenticated to a message engine at said server to enable unicast messaging capabilities. See specification, page 8, lines 6-7.

Thereafter, a user interface to a collaboration tool is served to said first user, in response to an asynchronous message from said first user requesting server content. The collaboration tool for conveying text and/or multimedia messages with respect to said first user and an

administration server. See specification, page 8, line 20 - page 9, line 1.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Claim 1 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over IEEE Paper "Collaborative Environment for Supporting Web Users" by Aoki published February 2001 (Aoki hereinafter) in view of US Patent Application Publication Number 2002/0062348 to Maehiro et al. (Maehiro hereinafter) and further in view of US Patent Number 5,768,515 to Choquier et al. (Choquier hereinafter).
2. Claim 5 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the combination of Aoki-Maehiro-Choquier as applied to claim 1 above, and further in view of US Patent Number 7,263,526 to Busey et al (Busey hereinafter).

ARGUMENT

GROUND OF REJECTION 1

Claim 1 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over IEEE Paper "Collaborative Environment for Supporting Web Users" by Aoki published February 2001 (Aoki hereinafter) in view of US Patent Application Publication Number 2002/0062348 to Maehiro et al. (Maehiro hereinafter) and further in view of US Patent Number 5,768,515 to Choquier et al. (Choquier hereinafter)

Appellants respectfully contend that claim 1 is not unpatentable over Aoki in view of Maehiro and further in view of Choquier, because Aoki in view of Maehiro and further in view of Choquier does not teach or suggest each and every feature of claim 1.

A first example of why claim 1 is not unpatentable over Aoki in view of Maehiro and further in view of Choquier is that Aoki in view of Maehiro and further in view of Choquier does not teach or suggest the feature:

"said first user downloading from said server browser executable code for initiating a chat session;

said first user executing said browser executable code to display at a first browser window a chat invitation form including a header field, an instruction field, one or more fields for entering user identifiers, and a message field;

said first user entering to said chat invitation form one or more user identifiers including a user identifier for [[said]] a second user, and optionally a message to said message field;

receiving at said server from said first user a request to enter chat mode with [[a]] said second user".

The preceding feature of claim 1 recites that the first user identifies a second user to the server so that the first user could enter a chat mode with the second user. The preceding feature is accomplished in claim 1 by the first user entering a user identifier for the second user on a chat invitation form that is displayed by browser executable code in a first browser window after the first user downloads and initiates execution of the browser executable code .

The Examiner makes a first allegation that Aoki in combination with Maehiro discloses the preceding feature of claim 1. Appellants respectfully contend the Examiner's first allegation is incorrect, because neither Aoki nor Maehiro discloses that the first user identifies a second user to the server so that the first user could enter a chat mode with the second user.

In Aoki, the first user does not identify a second user with whom to chat with, but rather directs a session manager of a proxy server to find partners for a collaboration session. See Aoki, page 2313, left column, lines 8-12 ("A user has to establish a session to start collaboration by loading the node manager in a Web browser. After the node manager is activated, it communicates with the session manager to find partners"). The fact that the session manager of the proxy server is directed to find partners for the collaboration session signifies that the step of identifying partners for the collaboration session is performed by the session manager and not the first user.

In Maehiro, the first user initiates a chat by submitting a message form 201 to a message server 113 via a chat opening request signal 202 (Maehiro, Par. 0030, lines 1-4 and FIG. 2). However, the message form 201 (as depicted in Maehiro, FIG. 3) does not include a field for entering a user identifier of a second user. The "To" field in the message form 201 is for entering the identifier of the server 113 to whom the message form 201 is sent. After receiving the chat opening request signal 202, the message server 113 transmits a setup signal 202 for

opening a chat room to a database that includes identification of particular users known as “chat guests” (Machiro, Par. 0030, lines 6-12). Thus in Machiro, the chat guests are known to the database and are not identified by the first user to the message server 113 for participation in the chat session.

Therefore, Aoki in view of Machiro and further in view of Choquier does not disclose the preceding feature of claim 1, because neither Aoki nor Machiro discloses that the first user identifies a second user to the server so that the first user could enter a chat mode with the second user.

A second example of why claim 1 is not unpatentable over Aoki in view of Machiro and further in view of Choquier is that Aoki in view of Machiro and further in view of Choquier does not teach or suggest the feature:

“receiving asynchronously at said server from said second user an HTTP request to download content from said server or any other intranet or Intranet server, said second user not currently executing a chat applet instance and being unaware of said request from said first user to enter chat mode;

said server responding to said HTTP request from said second user with an HTTP response including said content modified with a chat user interface to open a browser window including a header field, a messages field, and a response field, which browser window downloads a chat applet instance for execution at said second user;

executing said chat applet instance at said second user to instantiate a chat session between said first user and said second user”.

The preceding feature of claim 1 describes how the chat session between the first user and the second user is instantiated, namely by: (1) the server inserting a chat applet instance in an HTTP response to the second user with respect to an HTTP request for content received by

the server from the second user, while the second user is unaware of the first user's request to enter a chat mode with the second user; and (2) executing the chat applet instance at the second user to instantiate the chat session between the first user and the second user.

The Examiner makes a second allegation that Aoki in combination with Maehiro and Choquier discloses the preceding feature of claim 1. Appellants respectfully contend the Examiner's second allegation is incorrect, as explained next.

With respect to Aoki, Appellants acknowledge that the collaboration session may be a chat session. However, Aoki does not disclose specifically how the collaboration session between the first user and the second user is instantiated. While Aoki, page 2314, Section 4.5 discloses collaboration tools that may be used during a collaboration session, none of the collaboration tools identified in Aoki, Section 4.5 (telepointer, image annotation, text annotation, ink annotation) relate to instantiating the collaboration session. In fact, instantiating the collaboration session is not a collaboration function, since it is logically and physically impossible for collaboration between the first user and the second user to occur until after the collaboration session has been instantiated.

Thus, Appellants respectfully contend that Aoki does not disclose any aspect of the preceding feature of claim 1. More specifically, Aoki does not disclose that the server inserts a chat applet instance in an HTTP response to the second user with respect to an HTTP request for content received by the server from the second user while the second user is unaware of the first user's request to enter a chat mode with the second user, and that this chat applet instance is executed at the second user to instantiate a chat session between the first user and the second user.

In Maehiro, all that is required for a chat guest to enter a chat session is for the guest to

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transmit a enter room signal 208 to the database which in turn transmits an invitation answer signal 209 indicating that the guest has accepted the invitation to enter the chat session (Maehiro, col. 3, lines 1-7).

Thus, Maehiro does not disclose that the server inserts a chat applet instance in an HTTP response to the second user with respect to an HTTP request for content received by the server from the second user while the second user is unaware of the first user's request to enter a chat mode with the second user, and that this chat applet instance is executed at the second user to instantiate a chat session between the first user and the second user.

Choquier does not disclose anything about a chat session and is therefore irrelevant to the preceding feature of claim 1.

Based on the preceding arguments, Appellants respectfully maintain that claim 1 is not unpatentable over Aoki in view of Maehiro and further in view of Choquier, and that claim 1 is in condition for allowance.

GROUND OF REJECTION 2

Claim 5 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the combination of Aoki-Maehiro-Choquier as applied to claim 1 above, and further in view of US Patent Number 7,263,526 to Busey et al (Busey hereinafter).

Since claim 5 depends from claim 1, which Appellants have argued *supra* to not be unpatentable over Aoki in view of Maehiro and further in view of Choquier under 35 Aoki-Maehiro-Choquier, and further in view of Busey under 35 U.S.C. §103(a).

In addition with respect to claim 5, Aoki-Maehiro-Choquier, and further in view of Busey does not disclose the feature: “authenticating said first user to a message engine at said server to enable *unicast* messaging capabilities” (emphasis added).

The Examiner argues that Busey , FIG. 6 and col. 6, lines 51-61 disclose the preceding feature of claim 5.

In response, Appellants respectfully point out that Busey , col. 6, lines 51-61 relates to communication among multiple parties which is multicast, rather than unicast, communication. See Busey , col. 6, lines 58-59 (“all such users are able to interact with one another”).

Therefore, Aoki-Maehiro-Choquier, and further in view of Busey does not disclose the preceding feature of claim 5.

In addition, Aoki-Maehiro-Choquier, and further in view of Busey does not disclose the feature: “thereafter ... serving to said first user, in response to an *asynchronous message* from said first user requesting server content, a user interface to a collaboration tool for conveying text and/or multimedia messages with respect to said first user and an administration server”

(emphasis added).

The Examiner argues that Busey , FIG. 6 and col. 6, lines 51-61 disclose the preceding feature of claim 5.

In response, Appellants respectfully point out that Busey , col. 6, lines 51-61 does not disclose asynchronous messaging.

Therefore, Aoki-Maehiro-Choquier, and further in view of Busey does not disclose the preceding feature of claim 5.

In addition, Appellants assert that the Examiner's argument is not persuasive as to why it is allegedly obvious to modify Aoki-Maehiro-Choquier by the features of

“authenticating said first user to a message engine at said server to enable unicast messaging capabilities; and thereafter

serving to said first user, in response to an asynchronous message from said first user requesting server content, a user interface to a collaboration tool for conveying text and/or multimedia messages with respect to said first user and an administration server”.

The Examiner argues: “To provide the collaborative communication system of Aoki-Maehiro-Choquier with the added functionality of authenticating users to provide unicast messaging would have been obvious to one of ordinary skill in the art in view of the teachings of Busey, since all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded nothing more than predictable results to one of ordinary skill in the art at the time of the invention.”

In response, Applicants respectfully contend that the preceding reason provided by the Examiner for modifying Aoki-Maehiro-Choquier by the alleged teaching of Busey of

“authenticating said first user to a message engine at said server to enable unicast messaging capabilities” is a generic argument alleging that it is obvious to modify any references by any known content merely because the content is known. If this were correct, the Examiner would never have to provide specific motivation to modify a reference so long as the content modifying the reference is known. Applicants assert that the preceding argument provided by the Examiner for modifying Aoki-Maehiro-Choquier by the alleged teaching of Busey is not supported by statute or case law and is thus not persuasive.

Moreover, the Examiner has not provided any motivation for modifying Aoki-Maehiro-Choquier by “serving to said first user, in response to an asynchronous message from said first user requesting server content, a user interface to a collaboration tool for conveying text and/or multimedia messages with respect to said first user and an administration server”.


Accordingly, Applicants respectfully contend that the Examiner has not established a *prima facie* case of obviousness in relation to claim 5.

Based on the preceding arguments, Appellants respectfully maintain that claim 5 is not unpatentable Aoki-Maehiro-Choquier, and further in view of Busey, and that claim 5 is in condition for allowance.

SUMMARY

In summary, Appellants respectfully requests reversal of the March 13, 2009 Office
Action rejection of claims 1 and 5.

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APPENDIX A - CLAIMS ON APPEAL

1. A method for operating a server for establishing a chat session between two users in a network system, including a first user desiring to establish a chat session with a second user which does not have a chat application open, comprising:

said first user downloading from said server browser executable code for initiating a chat session;

said first user executing said browser executable code to display at a first browser — window a chat invitation form including a header field, an instruction field, one or more fields for entering user identifiers, and a message field;

said first user entering to said chat invitation form one or more user identifiers including a user identifier for said second user, and optionally a message to said message field;

receiving at said server from said first user a request to enter chat mode with a second user;

receiving asynchronously at said server from said second user an HTTP request to download content from said server or any other intranet or Intranet server, said second user not currently executing a chat applet instance and being unaware of said request from said first user to enter chat mode;

said server responding to said HTTP request from said second user with an HTTP response including said content modified with a chat user interface to open a browser window including a header field, a messages field, and a response field, which browser window downloads a chat applet instance for execution at said second user;

executing said chat applet instance at said second user to instantiate a chat session between said first user and said second user; and

establishing a persistent connection between said second browser and said server to establish a channel for message exchange between said first and second browsers with said server acting as proxy.

5. The method of claim 1, further comprising:

authenticating said first user to a message engine at said server to enable unicast messaging capabilities; and thereafter

serving to said first user, in response to an asynchronous message from said first user requesting server content, a user interface to a collaboration tool for conveying text and/or multimedia messages with respect to said first user and an administration server.

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APPENDIX B - EVIDENCE

There is no evidence entered by the Examiner and relied upon by Appellants in this appeal.

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APPENDIX C - RELATED PROCEEDINGS

There are no proceedings identified in the "Related Appeals and Interferences" section.